

# PAUL ANDERSON, PLLC

## ATTORNEY AT LAW

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September 8<sup>th</sup>, 2021

John Fleming  
Nacogdoches County Attorney  
101 W. Main Street, Room 230  
Nacogdoches, Texas 75961  
Via email: [jffleming@co.nacogdoches.tx.us](mailto:jffleming@co.nacogdoches.tx.us)

Robin O'Donoghue  
Flowers Davis  
1021 ESE Loop 323, Suite 200  
Tyler Texas 75701  
Via email to: [rho@flowersdavis.com](mailto:rho@flowersdavis.com)

Mr. Fleming & Ms. O'Donoghue,

The Nacogdoches County Attorney's Office, and John Fleming specifically, have violated the sanctity and confidentiality of attorney-client privilege, withheld facts about the criminal circumstances of that conduct, benefited from the information obtained from unlawful recording(s) and have refused, on the advice of counsel, to forward these allegations to a law enforcement agency for investigation.

On August 17<sup>th</sup>, 2021, a sworn written criminal complaint alleging wiretapping and official misuse of information was presented and filed with the Nacogdoches County Attorney's Office and copied to its counsel Flowers Davis. What is the status of that criminal complaint and, today, has this complaint been referred to any agency for investigation?

John Fleming's May 19<sup>th</sup>, 2021 email admission of wiretapping states, "I instructed the employee not to disclose to anyone anything heard in the recording. In addition, I have taken steps to avoid this happening again." John Fleming also wrote, "Obviously, I did not emphasize to the employee the significance of privileged communications."

Robin O'Donoghue states in the September 2<sup>nd</sup>, 2021 letter to the OAG that, "Nacogdoches County has no documents responsive to items 4, 5, and 6 . . ." Criminal conduct was committed by a non-lawyer employee and it appears that John Fleming took no action that produced any written documentation and that he only issued a verbal warning? Was the "non-lawyer employee" Ms. Olivia Clifton?

You have asked for permission to listen to the recordings of phone calls between my client Brandon Finchum and myself to "determine which calls the Attorney General is requiring us to produce . . .". You have absolutely no permission to listen to any privileged phone call recorded between attorney Paul Anderson and his client Brandon Finchum. John Fleming states the "non-lawyer employee" only listened to one phone call, now there are apparently more than one. Immediately provide a detailed log of every phone call recorded between attorney Paul Anderson and Brandon Finchum.

Absolutely no assertion of privileged is made with respect to the public disclosure of this letter and any response to it.

John Fleming  
Robin O'Donoghue  
September 8<sup>th</sup>, 2021  
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Respectfully,

A handwritten signature in black ink, appearing to be 'P. Anderson', written over a horizontal line.

**PAUL ANDERSON**